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HYDERABAD, WEDNESDAY, SEPTEMBER 13, 2017.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.,

—X—

COMMISSIONER OF PROHIBITION AND EXCISE

—X—

SENIORITY LIST OF ASSISTANT PROHIBITION & EXCISE SUPERINTENDENTS OF MULTI-ZONE-III-
REVISION OF SENIORITY LIST FOR THE YEARS 2005-06 TO 2013-2014 - COMMUNICATED - OBJECTIONS
CALLED FOR.

- Ref:-
1. CPE Cr.No.7649/2003/CPE/L3, dt.26-12-2005
 2. CPE Cr.No.7649/2003/CPE/L3, dt.17-11-2007
 3. CPE Cr.No.7649/2003/CPE/L3, dt.15-9-2008
 4. CPE Cr.No.7649/2003/CPE/L3, Dt:25-9-2009
 5. CPE. Cr.No.7649/2003/CPE/A1 dated 05-01-2015
 6. Government Memo No.1712/Excise-I(1)/2015, dated 28-11-2016
 7. Representation of Sri S. Madhu and (2) others, dated 07-12-2016
 8. CPE Cr.No.6094/2016/CPE/A2, dt.8-11-2016 and 31-12-2016
 9. Report of the Senior Officers Committee, dt.05-07-2017
 10. Orders of Hon'ble High Court in WPMP.No.7879 of 2017 in WP.No.6443 of 2017 dated 05-06-2017

Cr.No.7649/2003/CPE/TS/A1.-In the reference 1st cited, the final seniority list of Assistant Prohibition & Excise Superintendents of Multi-zone-III for the years 1991-92 to 1999-2000 was communicated and the same was published in A.P. Extraordinary Gazette No.3, dated: 2-1-2006.

In the reference 2nd cited, the final seniority list of Assistant Prohibition & Excise Superintendents of Multi-zone-III for the years 2000-01 and 2001-02 was communicated and it was published in A.P. Extraordinary Gazette No.322, dated: 23-11-2007.

In the reference 3rd cited, the final seniority list of Assistant Prohibition & Excise Superintendents of Multi-zone-III for the years 2002-03 to 2004-05 was communicated and the same was published in A.P. Extraordinary Gazette No.249, dated: 22-9-2008.

In the reference 4th cited, the final seniority list of Assistant Prohibition & Excise Superintendents of Multi-zone-III for the years 2005-06 to 2006-07 was communicated.

In the reference 5th cited, the provisional seniority list of Assistant Prohibition & Excise Superintendents of Multi-zone-III for the years 2007-08 to 2013-14 was communicated, calling for objections from the concerned. The same was published in A.P. Extraordinary Gazette No.131, dated: 31-3-2015.

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G-447.

Against the provisional seniority list, Sri P. Dasaratha, Proh & Excise Superintendent filed appeal before the Government seeking review of panels from 2002-03 and to assign him notional date of promotion in the category of Assistant Proh & Excise Superintendent from 2005-06 against SC carry forward vacancy. At the same time, certain directly recruited Asst.Prohibition & Excise Superintendents viz., Sri B. Venkatesh Netha and others filed representation before the Government claiming that substantive vacancies in the cadre of Asst.Prohibition & Excise Superintendent were filled up by promotees from 1997-98 to 2004-05, without following rota/quota between direct recruits and promotees.

The Government, after examining the above claims issued the following orders vide Memo 6th cited:

"In this regard, it is observed that, the Commissioner of Prohibition & Excise Dept., Telangana State, Hyd, earlier letter dt.04.02.2016 has stated that there are certain carry forwarded vacancies available of SC/ST's for the panel year 2005-06. Subsequently in his further letter dated:27.10.2016 has stated that, after verification of the records, year wise vacancies raised in the cadre of AP&ES and filled with the Direct Recruits and promotees in Multi Zone-III, there are (12) promotees are regularized in the Direct Recruit (DR) quota from 1997-98 to 2004-2005. The promotees who are regularized (12) nos. against Direct Recruit quota shall be brought down to the subsequent panel years, i.e., 2005-06, 2006-07, 2007-08 after following Rota-quota. As per the report of Commissioner of Prohibition and Excise in the reference 10th cited, there are no carry forward vacancies in any category and the name of Sri P.Dasaratha is not figured in the panel years 2005-06, 2006-07.

Therefore, the request of Sri P. Dasharatha, P&ES., for consideration the notional promotion for the panel year 2005-06, cannot be considered as there are no carry forwarded vacancies".

In the reference 7th cited, Sri S. Madhu & 2 other directly recruited Asst.Prohibition & Excise Superintendents of 2012 batch also made similar claim regarding excess regularization of 12 promotees during the period from 1997-98 to 2004-05.

In the reference 8th cited, orders were issued constituting a Senior Officers Committee to examine issues relating to seniority lists, assignment of notional promotions etc., in various cadres. The above issue of finalization of seniority list in the cadre of Asst.Prohibition & Excise Superintendent was also referred to the said Committee for its report.

Accordingly, the Senior Officers Committee, after hearing the employees concerned in person and after examining the relevant records, submitted its report vide reference 9th cited stating that from panel year 1997-98 to 2013-14, a total of 138 substantive vacancies have arisen, out of which 35 are meant for direct recruits and 103 are meant for promotees. As against 103 vacancies, 115 promotees were regularised during this period. In effect, 12 promotees were regularised in excess of their quota. The Committee held that as per the orders of the Government dt.28.11.2016, the promotees who are regularized (12) nos. against Direct Recruit quota shall be brought down to the subsequent panel years, i.e., 2005-06, 2006-07, 2007-08 after following Rota-quota and thus the existing final seniority list from panel year 2005-06 and 2006-07 communicated vide Cr.No.7649/2003/CPE/L3 dt.25.09.2009 and the provisional seniority list from panel year 2007-08 to 2013-14 communicated vide Cr.No.7649/2003/CPE/A1 dt.5.01.2015 needs revision. Finally, the Committee suggested that the seniority list of AP&ESs may be modified from 2005-06 to 2013-14 as per the positions indicated therein.

As the matter stood thus, Sri K. Naveen Kumar and (2) other directly recruited AP&ESs filed Writ Petition No.6443 of 2017 seeking a direction to the respondents to their objection dated 07-12-2016 against the provisional seniority list of AP&ESs, wherein, they claimed that 12 promotees were regularized against direct recruit vacancies in excess of their quota, among others.

The Hon'ble High Court in its orders, dt.5-6-2017 in WP.MP.No.7879 of 2017 in W.P.No.6443 of 2017, directed as follows:

"Pending further orders, respondents shall consider the objection submitted by the petitioners to the provisional seniority list of Asst.Prohibition & Excise Superintendent, communicated and published vide gazette No.131 dated 31-3-2015, within eight weeks from the date of receipt of a copy of this order and communicate their decision to the petitioners."

The matter has been examined carefully in light of the orders of the Government in Memo, dt.28-11-2016 and suggestions of the Senior Officers Committee.

Position of Service Rules

As per Rule-2 of the Andhra Pradesh Excise Service Rules, 1961 (Telangana Adaptation) Order, 2016, substantive vacancies in the category of Assistant Prohibition & Excise Superintendent shall be filled by direct recruitment and transfer in the ratio of 1:3.

The following is the position of substantive vacancies in the category of Asst. Prohibition & Excise Superintendents from 1997-98 to 2013-14:

Year	No. of substantive vacancies	Quota of		No. of Promotees regularized/ assigned seniority	No. of Promotees placed in excess
		Direct recruitment	Promotees		
1997-98	3	0	3	3	0
1998-99	7	2	5	1	-4
1999-00	11	3	8	8	0
2000-01	7	2	5	0	-5
2001-02	5	1	4	20	16
2002-03	4	1	3	4	1
2003-04	6	2	4	6	2
2004-05	4	1	3	4	1
2005-06	15	4	11	0	-11
2006-07	2	1	1	3	2
2007-08	17	4	13	23	10
2008-09	6	1	5	5	0
2009-10	11	3	8	8	0
2010-11	3	1	2	2	0
2011-12	1	0	1	1	0
2012-13	32	8	24	24	0
2013-14	4	1	3	3	0
Total	138	35	103	115	12

From the above table of substantive vacancies, it can be seen that, as against 103 substantive vacancies for promotees quota, 115 promotees were regularized and placed in the seniority lists. As a result, 12 promotees were placed in excess of their quota.

Clause-(b) & (c) of Para-14 of Circular Memo No.16/Ser-A/93-39, GAD (Ser-A) Dept., dated: 21-4-1999 stipulates as follows:

(b) the seniority of a direct recruit is to be determined only from the date of his/her joining duty but not from the date on which the vacancy earmarked for a direct recruitment arose;

(c) if an employee is promoted to a post earmarked for direct recruit, his probation shall not be commenced from the date of his appointment into the slot earmarked for direct recruitment but shall be reckoned only from the date on which he would have occupied the vacancy meant for promotee;

As per the law laid down by the Hon'ble Supreme Court in **SLPs No.17913 of 1996 with 17818 of 1996, (1998) 6 SCC 630, (1999) 1 SCC 278, (2000) 7 SCC 561, (2004 AIR SC 3374) and (2007) (2) SLJ 133**, promotees can neither occupy the slot earmarked for direct recruitment nor they can be given seniority in excess of their quota. Therefore, they are required to be fitted into seniority according to the quota prescribed under the rules.

In light of above position and in order to give effect to the orders of the Government in Memo No.1712/Excise-I(1)/2015, dated: 28-11-2016, it is proposed to revise the final seniority list of Asst.Prohibition & Excise Superintendents for the year 2005-06 and 2006-07 communicated vide reference 4th cited by pushing down 12 excess promotees from earlier panel years and to issue revised provisional seniority list for the years 2007-08 to 2013-14, in supersession of the provisional seniority list issued vide reference 5th cited. As a consequence of the proposed revision, the names of AP&ESs from Sl.No.3 to 14 in the final seniority list for the years 2002-03 to 2004-05 communicated vide reference 3rd cited are deemed to have been deleted.

The revised seniority positions proposed from panel year 2005-06 to 2013-14 are shown in Annexure-I appended to this order.

The revised seniority list is prepared basing on the following principles:

- 1) The provisions of Rule 33(a) and (b) of the A.P.State and Subordinate Services Rules, 1996 have been followed, with reference to substantive vacancies.
- 2) The instructions of the Government at Clause (a) (b) & (c) of Para-14 of the Circular Memo No.16/Ser-A/93-39, GAD (Ser-A) Dept., dated: 21-4-1999 have been followed.
- 3) In respect of direct recruits, the actual date of joining has been taken into account and placements are assigned as per the merit ranking communicated by the APPSC.
- 4) In respect of promotees, the date of regularization has been assigned with reference to accrual of substantive vacancies for promotees quota as prescribed under Rule-2 of the Special Rules, in the respective panel years.

The provisional seniority list of Asst.Prohibition & Excise Superintendents is subject to outcome of OAs/WPs/SLPs and Appeals pending on the seniority of AP&ESs before the Hon'ble APAT/High Court/Supreme Court and Government.

All the concerned are called upon to file their objections/representations, if any, on the seniority list, to the undersigned within (15) days from the date of publication of the list. If no objections/representations are received, the seniority list will be finalized basing on the material available on record.

Annexure - I

Provisional seniority list of Assistant Prohibition and Excise Superintendents of Multizone-III for the years 2005-06 to 2013-14

Sl. No.	Panel Year	No. of substantive vacancies	Quota for		Name of the candidate placed Sri/Smt:	RP.No.	Date of Birth	Proposed date of regularization	Present Position
			DR	P					
1	2005-06	15	4	11	N.Jeevan Singh-ST	4	16-10-60	01-01-2006	DC
2					G.Narasimhulu	5	19-10-54	01-01-2006	Retd
3					B.Showrilu	6	29-05-47	01-01-2006	Retd
4					C.Ashok Kumar (SC)	7 SC	30-01-58	01-01-2006	Working as AC in A.P
5					R.Suresh (ST)	8 ST-W	03-04-73	01-01-2006	D.C
6					K.Mahesh Babu	9	20-06-59	01-01-2006	Retd
7					N.Anand Raju	10	16-08-56	01-01-2006	Retd
8					T.Jayasena Reddy	11	01-01-62	01-01-2006	D.C
9					KAB Sastry	12	21-06-64	01-01-2006	D.C
10					G.J.Douglas	13	09-08-54	01-01-2006	Retd
11					A.Anjaiah	14	07-03-50	01-01-2006	Retd
12	2006-07	2	1	1	G. Anjan Rao DR		30-08-70	20-02-2007	AC
13					K. Hemantha Nagaraju DR		09-11-77	20-02-2007	AC
14					Ch. Smitha DR		05-11-79	20-02-2007	P&ES
15					J. Harikishan DR		06-08-75	05-03-2007	AC
16					U. Chandraiah	15	14-06-52	05-03-2017	Retd
17	2007-08	17	4	13	P.Bala Swamy(SC)	16 SC	06-07-62	01-01-2008	P & ES
18					M.A. Gaffar	17	02-06-58	01-02-2008	Retd
19					M. Venugopal	18	16-05-54	04-02-2008	Retd
20					A.Prakash	19	25-12-49	04-02-2008	Retd

21					P.Krishna Reddy	20	08-12-53	04-02-2008	Retd
22					N.Chandrshekar Reddy	21	14-08-54	04-02-2008	Retd
23					K.Rajya Lakshmi(SC)	22 SC-W	22-07-76	04-02-2008	P &ES
24					S.Harikrishna Swamy	23	23-06-55	04-02-2008	Retd
25					S.Laxma Reddy	24	23-10-55	04-02-2008	Retd
26					M. Shankeraiah (ST)	25 ST	02-07-68	04-02-2008	I/CP&ES
27					H.Datturaj Goud	26	26-07-69	04-02-2008	P &ES
28					T.Vijay sekhar (SC)	27 SC	04-07-69	04-02-2008	P &ES
29					M.Gangaram	28	01-01-63	04-02-2008	P &ES
30	2008-09	6	1	5	P. Sreedevi (DR)		06-09-79	26-11-2008	P &ES
31					Zafferullah Khan	29	10-06-56	12-09-2009	Retd
32					V.Somireddy	30	04-06-73	12-09-2009	P &ES
33					C.Narsimha Reddy	31	01-01-64	12-09-2009	P &ES
34					J.Ravi Kumar	32	10-10-69	12-09-2009	P &ES
35					P.Sreedhar	33 ST	04-04-69	12-09-2009	P &ES
36					N. Surjith Singh (DR)		13-09-81	17-08-2009	P &ES
37					V. Vivek (DR)		04-07-86	17-08-2009	AES
38					P. Ramachandra Rao (DR)		20-06-80	17-08-2009	P &ES
39	2009-10	11	3	8	K.Raghu Ram	34	14-05-70	18-12-2009	P &ES
40					A.Shambhu Prasad	35	05-10-63	18-12-2009	P &ES
41					G.V.Narayana L.A.	36	01-07-56	18-12-2009	Retd
42					A.Vijay Bhasker Reddy	37	15-06-72	18-12-2009	P &ES
43					A.Chandriah	38	12-04-69	18-12-2009	P &ES
44					C.V.Shashidhar Reddy	39	24-02-72	18-12-2009	i/CP&ES
45					G.Srinivas Reddy	40	14-01-71	18-12-2009	i/CP&ES
46					P.Dasharatha (SC)	41 SC	05-05-68	01-06-2010	P &ES

47	2010-11	3	1	2	K.Chandra Sekhar	42	08-06-66	25-11-2010	I/CP&ES
48					G.Srinivas	43	06-07-67	25-11-2010	P &ES
49	2011-12	1	0	1	B.Jyothi Kiran	44	29-03-73	01-01-2012	P &ES
50					G. Nagendra Reddy (DR)		01-03-85	07-05-2012	AP&ES
51					Vijay Cheeti (DR)		26-12-79	07-05-2012	AP&ES
52					K. Pavan Kumar (DR)		22-06-85	07-05-2012	AP&ES
53					S. Madhu (DR)		10-01-83	07-05-2012	AP&ES
54					S. Ujwala Reddy (DR)		08-05-79	07-05-2012	AP&ES
55					D. Gayatri (DR)		25-09-80	07-05-2012	AP&ES
56					K. Naveen Kumar (DR)		02-09-84	07-05-2012	AP&ES
57	2012-13	32	8	24	S.Panchakshari	45	06-09-65	01-09-2012	P &ES
					K.Subhadra Kumari	46		Retd before substantive vacancy. Hence, not counted	
58					K.Vara Prasad (SC)	47 SC-W	06-02-64	23-04-2012	P &ES
59					D.Srinivas	48	11-06-67	23-04-2012	P &ES
60					S.Ravinder Raju	49	09-03-64	23-04-2012	AP&ES
61					G.Ganesh	50	06-06-68	23-04-2012	P &ES
62					S.Srinivas Rao	51	21-07-69	23-04-2012	I/CP&ES
63					B.Chandra Shekar(SC)	52 SC	01-11-57	23-04-2012	AP&ES
64					S.Krishna Priya	53	04-06-69	23-04-2012	I/CP&ES
65					Y.Hima Sri	54	29-06-68	23-04-2012	AP&ES
66					K.Anitha	55	12-09-67	23-04-2012	I/CP&ES
67					R.Mahipal Reddy	56	28-04-65	23-04-2012	AP&ES
68					K.Vijay Bhasker	57	20-03-69	23-04-2012	AP&ES
69					R. Kishan (ST)	58 ST-W	07-01-72	23-04-2012	P &ES
70					Ali Hussain	59	15-09-55	23-04-2012	Retd
71					V.Srinivas	60	04-06-70	23-04-2012	AP&ES
72					Khursheed Ahmed	61	02-06-55	23-04-2012	Retd
73					T.Shanker(SC)	62 SC	15-10-59	23-04-2012	AP&ES
74					K.Prabhu Vinay Kumar	63	06-06-64	23-04-2012	AP&ES

75					Preeth Kumar Mathur	64	18-12-56	23-04-2012	Retd
76					V.Shyam Sunder Reddy	65	10-02-56	23-04-2012	Retd
77					K.Ramesh(SC)	66 SC	02-09-55	23-04-2012	Retd
78					P.Alfred Manohar Raj	67	28-08-55	23-04-2012	Retd
79					I.Vijay Shankar	68	16-09-56	01-08-2013	Retd
80					PBV Krishna	69	23-05-60	24-08-2013	AP&ES
81	2013-14	4	1	3	V.Murali Mohan Reddy	70	15-09-57	01-09-2013	Retd
82					Kishan Pershad	71	14-11-58	01-10-2013	Retd
83					D. Arun Kumar (SC)	72 SC	27-01-72	01-03-2014	AP&ES

Hyderabad,
21-08-2017.

Dr. R.V. CHANDRAVADAN,
Commissioner of Proh. & Excise.

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